

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:19-cr-00051-JMS-MJD
	)	
JAMES THOMAS,	)	-01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

The Parties appeared on August 7, 2023, before United States Magistrate Judge Kellie M. Barr for a hearing on the Petition for Warrant or Summons for Offender under Supervised Release filed on July 25, 2023. Defendant James Thomas appeared in person and by counsel Dominic Martin of the Federal Community Defenders. Government represented by Assistant United States Attorney Jayson McGrath. United States Probation Office represented by Felecia Bain.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with copies of the petitions. Defendant orally waived his right to a probable cause hearing.
2. After being placed under oath, Defendant admitted to violation number 2. [Dkt. 57.] Government orally moved to withdraw the remaining violation (number 1), which motion was granted by the Court.
3. The allegation(s) to which Defendant admitted, as fully set forth in the petition, is/are:

**Violation  
Number**

**Nature of Noncompliance**

2

**"You shall refrain from any unlawful use of a controlled substance."**

As previously reported to the Court, the offender provided positive urinalyses for marijuana on the following dates: May 14, June 15, July 22, October 13, and October 22, 2021. Additionally, he provided positive urinalyses for amphetamines on May 5, and May 12, 2022.

4. The Parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is II.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 - 12 months imprisonment.

5. The Parties jointly recommended a sentence of 6 months of imprisonment with no supervision to follow.


The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the condition in the petition to which he admitted, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 6 months with no supervision to follow. The Magistrate Judge will make a recommendation of placement at the Federal Prison Camp in Terre Haute, Indiana.

Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The Parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The Parties waived the fourteen-day period to object to the Report and Recommendation.

**IT IS SO RECOMMENDED.**

Date: 8/7/2023

A handwritten signature in black ink, reading "Kellie M. Barr", written over a horizontal line.

Kellie M. Barr  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email